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Docket No.: 215101.01501

PATENT

Customer No. 27160



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

William S. DALTON et al.

Serial No. 10/024,017

Group Art Unit: 1646

Filed: December 21, 2001

Examiner: Unknown

For: COMPOUNDS AND METHODS FOR MODULATING CELL-ADHESION
MEDIATED DRUG RESISTANCE

**PETITION FOR FILING DECLARATION
UNDER 37 C.F.R. § 1.47(b)-NON-SIGNING INVENTOR**

BOX MISSING PARTS

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Applicants hereby petition that the attached Declaration, executed by inventors Jason S. Damiano and Anne E. Cress, be accepted by the U.S. Patent and Trademark Office on behalf of himself and non-signing inventor William S. Dalton. The Commissioner is hereby authorized to charge the required fee of \$130.00 under 37 C.F.R. § 1.17(i) to our Deposit Account No. 50-1710.

The circumstances surrounding the inability to obtain inventor William S. Dalton's signature on the attached Declaration, are set forth, in chronological order, on the attached documents:

1) Memorandum to William Dalton from Sheri Shuman of University of South

Florida (hereinafter "USF") dated June 29, 2001;

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- 2) hard-copy of an electronic correspondence to William Dalton and Jason Damiano from Sheri Shuman of USF dated August 31, 2001;
- 3) a hand-written document entitled "statement of facts" provided by USF (note: marked 99B050 on top right hand corner);
- 4) hard-copy of five electronic correspondences between Rhonda B. Hinton of Pepper Hamilton, L.L.P. and Sheri Shuman of USF dated September 6, 2001;
- 5) hard-copy of six electronic correspondences between Connie Griffith of USF and Sheri Shuman of USF dated September 7, 2001;
- 6) hard-copy of seven electronic correspondences between Connie Griffith of USF and Sheri Shuman of USF dated September 19, 2001; September 7, 2001; September 6, 2001, and a hard-copy of one electronic correspondence between Messrs. Dalton and Damiano, and Sheri Shuman of USF dated August 31, 2001 (note: the 2:05pm correspondence confirms receipt of materials by Dr. Dalton's office);
- 7) hard-copy of two electronic correspondences between Connie Griffith of USF and Sheri Shuman of USF dated September 26, 2001;
- 8) hard copy of two electronic correspondences between Sheri Shuman of USF and Wendy Davis of USF dated October 23, 2001;
- 9) memorandum to Messrs. Dalton and Damiano from Elizabeth R. Palombi of USF dated December 3, 2001;

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- 10) an Assignment document executed by Jason S. Damiano dated December 6, 2001;
- 11) a Declaration and Power of Attorney executed by Jason S. Damiano dated December 6, 2001;
- 12) memorandum to Nora Luersen of Katten Muchin Zavis from Sheri Shuman of USF dated December 14, 2001; and
- 13) correspondence to Corinne M. Pouliquen of Katten Muchin Zavis from Elizabeth R. Palombi of USF dated February 22, 2002.

Additionally, the attached Declaration and Power of Attorney may be treated as having been signed by the available inventors, Jason S. Damiano and Anne E. Cress, on behalf of the non-signing inventor William S. Dalton, because the signature block of the non-signing inventor is left blank. See M.P.E.P. § 409.03(a). The last known address of the non-signing inventor is: 111 Dunbar Avenue, Tampa, Florida 33629. Applicants respectfully submit that in view of the foregoing, the requirements of 37 C.F.R. § 1.47(b) have been met. Accordingly, applicants request that this Petition to Under 37 C.F.R. § 1.47(b) be granted and that the application be examined as soon as possible.

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No additional fees are believed to be necessary. However, the Commissioner is authorized to charge any shortage in fees due in connection with the filing of this communication, or credit any overpayment, to Deposit Account No. 50-1710.

Respectfully submitted,

 35,753

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Date: June 4, 2002